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10/613,401

07/02/2003

Daniel Putterman

MACV.P0007

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Stattler-Suh PC  
60 SOUTH MARKET  
SUITE 480  
SAN JOSE, CA 95113

EXAMINER

ZHAO, DAQUAN

ART UNIT

PAPER NUMBER

2621

MAIL DATE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/613,401

Applicant(s)

PUTTERMAN ET AL.

Examiner

Daquan Zhao

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-17 and 20 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 18, 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,2, 3, 7, 11, 12, 13, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srikantan et al (US 2002/0,010,917 A1) and further in view of Hooper et al (US 5,414,455).

For claim 1, Srikantan et al teach a method for recording media, said method comprising the steps of:

- receiving at least one media stream (e.g. paragraph [0026], server receives a media stream from another server);
- storing at least a portion of said media stream in at least one personal video recording ("PVR") media server (e.g. figure 1, media streaming server 102 stores a media stream from either media streaming server 130 or pre-recorded media 104);

- coupling a plurality of clients, capable of displaying said media stream, to said PVR media server (e.g. figure 1, client 110 and client 112 both have display shown in figure 1);
- generating a first buffer position to identify a location within said media stream for playback of said media stream at a first client; and generating a second buffer position to identify a location within said media stream for playback of said media stream at a second client, said second buffer position being independent from said first buffer position (e.g. paragraph [0054], TrackHandles are considered to be buffers, wherein the TrackHandles maintains clients' current playback position in a media track of a media stream. Also see figures 2 and 3 and paragraph [0042]-[0045]).

However, Srikantan et al fail to teach the storing comprising buffering the media stream and maintaining a write position for the buffering. Hooper et al teach the storing comprising buffering the media stream and maintaining a write position for the buffering (e.g. abstract, figure 8, column 12, lines 21-54). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hooper et al into the teaching of Srikantan et al to deliver videos without substantial incremental cost (e.g. Hooper et al, column 1, line 60- column 2, line 15).

Claim 11 is rejected for the same reasons as discussed in claim 1 above.

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Claim 21 is rejected for the same reasons as discussed in claim 1 above with further limitation of a media controller (e.g. figure 1, media streaming server must have a controller such as a CPU).

For claims 2 and 12, Srikantan et al teach steps of transferring said media stream to a first client, so as to deliver said media stream using said first buffer position; and transferring said media stream to a second client, so as to deliver said media stream using said second buffer position (e.g. paragraph [0054], TrackHandles include buffers for sending media packets).

For claims 3 and 13, Srikantan et al teach the step of generating more than two independent buffer positions to identify locations within said media stream for more than two clients (e.g. paragraph [0054], TrackHandles include buffers for sending media packets).

For claims 7 and 17, Srikantan et al teach the step of storing at least a portion of said media stream comprises the step of buffering said media stream for an amount of time when receiving said media stream (e.g. paragraph [0054], TrackHandles include buffers for sending media packets. When the data is buffered, it must take time to read data out from the buffer).

2. Claims 4,5, 6, 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srikantan et al (US 2002/0,010,917 A1) and Hooper et al (US 5,414,455 ), as applied to claims 1,2, 3, 7, 11, 12, 13, 17 and 21 above, and further in view of Clarin et al (US 6,414,725 B1).

See the teaching of Srikantan et al and Hooper et al above.

For claims 4 and 14, Srikantan et al fail to teach receiving at least one television signal. Clarin et al teach receiving at least one television signal (e.g. column 3, lines 37-58, video server 2 receives NTSC television signals and network server receives NTSC television signals through MPEG encoder 5, column 4, lines 10-24). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Clarin et al into the teaching of Srikantan et al and Hooper et al to eliminate the time necessary for the user to wait for the tv broadcast programs.

For claims 5 and 15, Clarin et al teach receiving at least one television signal comprises the step of receiving a plurality of television signals in a single PVR-media server (e.g. column 3, lines 37-58, video server 2 receives NTSC television signals and network server receives NTSC television signals through MPEG encoder 5, column 4, lines 10-24).

For claims 6 and 16, Clarin et al teach receiving a plurality of television signals comprises the step of receiving at least one television signal in each of a plurality of PVR-media servers.

3. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srikantan et al (US 2002/0,010,917 A1) and Hooper et al (US 5,414,455) as applied to claims 1,2, 3, 7, 11, 12, 13, 17 and 21 above, and further in view of Kaminski et al (US 6,744, 967 B2).

See the teaching of Srikantan et al and Hooper et al above.

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For claims 10 and 20, Srikantan et al and Hooper et al fail to teach generating a write buffer position to identify a location within said media stream for recordation of said media stream; and maintaining a relative position between said first or second buffer position and said write buffer position, so as to set boundary conditions. Kaminski et al teach generating a write buffer position to identify a location within said media stream for recordation of said media stream; and maintaining a relative position between said first or second buffer position and said write buffer position, so as to set boundary conditions (e.g. figure 6, column 22, lines 51-65, portion 630 and portion 634 show the boundary condition). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaminski et al into the teaching of Srikantan et al to enhance the buffering mechanisms for personal video recording system (e.g. Kaminski et al, column 1, lines 41-59).

#### ***Allowable Subject Matter***

4. Claims 8, 9, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cawley (US 2002/0016889 A1); Cismas (US 7,093,094 B2);

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Schneider (US 6,240,094 B1); Huebsh et al (US 6,742,092 B1); Brooks et al (US 7,069,573 B1).

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the data the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the data of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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